

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHELE D. PINSON,

Plaintiff,

14-CV-639(Sr)

v.

ORDER

MARTIN FIALA,

Defendant.

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This case has been scheduled for a jury trial on **Tuesday, March 13, 2018, at 10:30 a.m.**

A final pretrial conference is scheduled for **Tuesday, March 6, 2018, at 10:30 a.m.** Counsel responsible for trying the case must attend this conference.

This order outlines the matters covered during that conference, but is not exhaustive. Counsel are free to discuss any matters that are relevant to the final disposition of this case.

Pretrial statements in accordance with Local Rule 16.1(e) are due on **February 20, 2018.**

The following topics will be discussed and material due to the Court and exchanged among the parties at the final pretrial conference:

Voir Dire: The parties will be informed under 28 U.S.C. § 1870 as to the number of peremptory challenges they will be allowed. My procedures for jury selection and my views on attorney participation will also be explained. (See Fed.R.Civ.P. 47). If any party desires to ask a particular question to the full array of jurors, such question should be submitted in writing at the pretrial conference.

Jury Charges: I require counsel for both parties to provide me with a copy of a complete proposed jury charge at the final pretrial conference.

Witness List: Each party shall prepare a list of prospective witnesses with a short summary statement of their expected testimony. Only those witnesses included on the list will be permitted to testify, except for good cause shown.

Exhibits and Exhibit List: Each party shall submit a list of exhibits with a description of each proposed exhibit on the attached form (if no form is attached, forms are available from the Clerk of the Court). Plaintiff's exhibits shall be denominated by number and defense exhibits by letter. Two (2) copies of this exhibit list should be provided to the Court and one for each opposing counsel. Prior to the final pretrial conference, counsel shall meet to mark and list each exhibit contained in the pretrial statements. At the conference, counsel shall produce a copy of each exhibit for examination by opposing counsel and for notice of any objection to its admission in evidence.

Expert Testimony: The identity and a brief summary of the qualifications of all expert witnesses shall be provided to the Court and opposing counsel at the pretrial conference. (It is assumed that this material will have already been disclosed during discovery.) Counsel should be prepared to discuss issues concerning limiting the number of experts, scheduling expert testimony, and stipulating to the qualifications of experts.

Deposition Testimony and Discovery Material: To the extent practicable, issues concerning the use of deposition testimony, admission, etc. should be resolved at the final pretrial conference. Prior to the final pretrial conference, each side must notify the other of any deposition testimony that it intends to offer at trial. The parties should attempt to reconcile and resolve any disputes prior to the final pretrial conference. If there are disputes concerning deposition testimony, the offering party must provide a copy of the proffered deposition to the Court and opposing counsel with the relevant testimony clearly marked with a colored highlighter.

Stipulations Concerning Facts and Testimony: The parties are directed to prepare a list of uncontroverted facts in the case. These lists will be discussed and counsel will be expected to cooperate in stipulating to uncontroverted facts.

Evidentiary Issues or Procedural Problems: Each party is responsible for raising at the conference any evidentiary issues or procedural problems that may arise during the trial. If appropriate, all these issues will be resolved before trial.

Damages: Plaintiff shall prepare an itemized statement of damages, including any special damages. The parties should attempt to stipulate to this statement.

Trial Briefs: If either side wishes to submit a pretrial brief or other legal memorandum, it must be filed and served on or before the final pretrial conference.

Court Procedure: The Court's procedure concerning the commencement of proceedings, recesses, making objections, etc., will be discussed at the final pretrial conference.

Courtesy copies of the above should be provided to chambers. Please direct any additional questions to my law clerk.

**SO ORDERED.**

**DATED: Buffalo, New York  
October 5, 2017**

*s/ H. Kenneth Schroeder, Jr.*  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**